Amendment to the Claims

This listing of claims will replaces all prior versions, and listings, of claims in the application:

Listing of claims

Claims 1-42 (cancelled)

43. (currently amended) A method of inducing apoptosis in a cell comprising administering to the cell an adenoviral vector comprising at least one essential viral gene or gene element under the control of a[[n]] heterologous inducible promoter, wherein the vector lacks a functional copy of one or more of an E1B, E2A, E2B, or E4 gene or gene element, and wherein apoptosis is induced in the cell.

44. (previously presented) The method of claim 43, wherein the viral vector is comprised in a pharmaceutical composition.

45. (cancelled)

46. (previously presented) The method of claim 43, wherein the essential viral gene or gene element under the control of the inducible promoter is selected from the group consisting of E1A, E1B, E2A, E2B, or E4.

Claims 47-48. (canceled)

49. (previously presented) The method of claim 43, wherein at least two genes or gene elements are non-functional.

50. (currently amended) The method of claim 49, wherein ~~said non-functional genes~~ the at least two genes or gene elements are E1A and E1B.

51. (currently amended) The method of claim 49, wherein the adenoviral vector comprises an E3 gene, and wherein the E3 gene ~~also~~ is non-functional.

52. (previously presented) The method of claim 46, wherein said essential viral gene or gene element is E4.

53. (previously presented) The method of claim 46, wherein the essential viral gene or gene element is E2A.

54. (withdrawn) The method of claim 43, wherein said inducible promoter is a yeast GAL4/TATA promoter.

55. (previously presented) The method of claim 43, wherein said inducible promoter is selected from the group consisting of the auxin inducible promoter, tet-responsive element and an ecdysone hybrid response element.

56. (withdrawn) The method of claim 43, wherein said inducible promoter is hormone-responsive, cell-specific, tissue-specific, or disease specific.

57. (withdrawn—currently amended) The ~~adenoviral vector~~ method of claim 56, wherein said promoter is hormone-responsive.

58. (withdrawn—currently amended) The ~~adenoviral vector~~ method of claim 57, wherein said hormone-responsive promoter is selected from the group consisting of thyroid stimulating hormone ÿ gene, ecdysone hybrid response element, auxin inducible promoter, and mouse mammary tumor virus promoters.

59. (withdrawn—currently amended) The ~~adenoviral vector~~ method of claim 56, wherein said promoter is cell-specific.

60. (withdrawn—currently amended) The ~~adenoviral vector~~ method of claim 59, wherein said cell-specific promoter is selected from a group consisting of tyrosine, ÿ-fetoprotein, albumin, CC10, and prostate-specific antigen promoters.

61. (withdrawn—currently amended) The ~~adenoviral vector~~ method of claim 56, wherein said promoter is tissue-specific.

62. (withdrawn—currently amended) The ~~adenoviral vector~~ method of claim 61, wherein said tissue-specific promoter is selected from a group consisting of tyrosine, ÿ-fetoprotein, albumin, CC10, and prostate-specific antigen promoters.

63. (withdrawn—currently amended) The ~~adenoviral vector~~ method of claim 56, wherein said promoter is disease-specific.

64. (withdrawn—currently amended) The ~~adenoviral vector~~ method of claim 63, wherein said disease-specific promoter is selected from a group consisting of murine MX gene, tyrosinase, ÿ-fetoprotein, albumin, CC10, tet-responsive element and prostate-specific antigen promoters.

65. (previously presented) The method of claim 43, wherein the vector further comprises a heterologous gene.

66. (previously presented) The method of claim 65, wherein said heterologous gene is under the control of a promoter active in eukaryotic cells.

67. (previously presented) The method of claim 66, wherein said promoter is CMV.

68. (previously presented) The method of claim 67, further comprising a polyadenylation signal in operable relation to said heterologous gene.

69. (previously presented) The method of claim 68, wherein said polyadenylation signal is selected from the group consisting of adenovirus, SV40 and bovine growth hormone.

70. (previously presented) The method of claim 66, wherein the heterologous gene is an inducer of apoptosis.

71. (currently amended) The method of claim [[66]] 70, wherein the inducer of apoptosis is selected from the group consisting of Bax, Bak, Bcl-Xs, Bik, Bid, Harakiri, Ad E1B, Bad, and ICE-CED3 protease.

72. (previously presented) The method of claim 43, wherein the cell is a mammalian cell.

73. (previously presented) The method of claim 72, wherein the cell is a tumor cell.